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LETTER DATED 15 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that, according to reliable information, the Government of the United States of America has embarked upon a demarche in the capitals of the States members of the Security Council in order to explain the no-fly zones in northern and southern Iraq, on the basis of talking points dated 28 and 31 December 1998.

In the talking points, the United States alleged that the no-fly zones in northern and southern Iraq were "established" in 1991 and 1992, respectively, under Security Council resolutions 678 (1990), 687 (1991) and 688 (1991), in which the Council authorized "the U.S. and other coalition members to take the necessary action to deter or prevent the Iraqi repression of its civilian population that is addressed in resolution 688, which determined that Iraqi repression of its civilian population threatened international peace and security". It is further alleged that Iraq is "violating" the establishment of the zones and go into listing various points to create the impression that there are in fact such violations.

The basic substantive point to be dealt with is clear and simple, namely, whether the resolutions referred to by the United States do in fact authorize the so-called establishment of the no-fly zones.

It is quite clear that the position of the United States is completely unfounded. The most significant point to remember in this connection is that the provisions of resolution 678 (1990) have come to end by the provisions of paragraph 33 of resolution 687 (1991) which declared that "upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the above provisions, a formal ceasefire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990)". In the following paragraph, which is the final in resolution 687 (1991), the Security Council confirmed that any forcible future measure against Iraq requires a new authorization. Paragraph 34 of the resolution stated: "Decides to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the region." Consequently, it is legally baseless to allege any authorization to use force against Iraq within a

formal ceasefire situation declared by the Council and in the absence of any new authorization.

This legal interpretation was confirmed on two occasions in the Security Council. In the first place, on the occasion of the discussion in the Council on 9 April 1997 of the carriage of Iraqi pilgrims by Iraqi Airways to the Holy Lands, it was clear from the objections raised by an important number of Council members against the American position, as supported by the United Kingdom of Great Britain and Northern Ireland, to condemn the flight as being a violation of the resolutions of the Security Council, that the consensus of opinion amongst the rest of the members in general was that Iraq is not subject to an air embargo. Secondly, in the consultations of the Security Council which led to the adoption of resolution 1205 (1998), the United States and the United Kingdom failed in their attempt to include a provision in the draft resolution authorizing the use of force against Iraq without prior recourse to the Council. Instead, the Council confirmed in paragraph 6 its decision "in accordance with its primary responsibility under the Charter for the maintenance of international peace and security, to remain actively seized of the matter". This understanding was reconfirmed by many Council members during the official meeting of the Council held on 16 December 1998.

As for the American position that the imposition of the no-fly zones is a measure that conforms to Security Council resolution 688 (1991), such a position is also baseless. To begin with, the provisions of that resolution do not support this position. In addition, that resolution was not adopted under Chapter VII of the Charter of the United Nations, which is the only Chapter in terms of which force may be used by the United Nations or on its behalf pursuant to a specific authorization. Nor did that resolution contain any provision imposing a no-fly zone in Iraqi airspace.

The use of resolution 688 (1991) as a basis for the imposition of the two no-fly zones is incompatible with the provisions of that resolution. The second preambular paragraph of that resolution refers to Article 2 of the Charter of the United Nations, which precludes the United Nations from intervention in matters which are essentially within the domestic jurisdiction of any State. Furthermore, in the seventh preambular paragraph of its resolution 688 (1991), the Council clearly reaffirmed the commitment of all Member States to respect Iraq's sovereignty, territorial integrity and political independence.

Consequently, and on the basis of the above, none of the points mentioned in the American talking points can be accepted as legitimate. The United States is not authorized to prohibit, attack, challenge or maintain any act. It is also unauthorized to assign to itself the role of drawing up certain purposes to the no-fly zones in order to create the false impression that they were legal.

It is, indeed, obvious that the American talking points did not stop at confusing the facts, but went further to falsifications. The members of the Council should be aware by now of the real facts in regard to the flights of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) or the question of staff of the oil-for-food programme, which contradict what the United States is trying to propagate. If the United States is truly ready to work with the Security Council members to assess the situation, it should first act in accordance with

its obligations under the Charter and international law and cease its aggression against Iraq and honour its obligations under the relevant resolutions of the Security Council.

In this connection, it is important to recall the factual background of the imposition of the no-fly zones in Iraq. It will be seen from this background that the no-fly zones were imposed unilaterally against Iraq for objectives totally unrelated to the Security Council resolutions.

The no-fly zone in northern Iraq

The Governments of the United States of America, the United Kingdom and France used the conditions prevailing in the aftermath of the war and the outbreak of wanton violence, provoked by and with the participation of external forces that ensued thereafter as a pretext to continue their acts of aggression against Iraq despite the ceasefire established by resolution 687 (1991). Those acts of aggression took the form of open intervention in the internal affairs of Iraq on the one hand, and continuation of the acts of military aggression against Iraq, on the other, under the guise of providing humanitarian assistance and protection to the civilian population. They also took the form of the imposition of the no-fly zone in northern Iraq on 7 April 1991. This measure was implemented in the following manner:

In the evening of 6 April 1991, our Permanent Representative in New York received from the American Permanent Representative a letter which read as follows:

> "As President Bush stated on 5 April 1991, the United States Air Force will fly over northern Iraq and drop foodstuffs, blankets, clothes, tents and relief materials for the Kurdish refugees. These operations proceed from humanitarian considerations with no intervention. The government of Iraq should know that the transport planes will be escorted by other aircraft to protect them when necessary. In the implementation of the existing policy, which does not permit any fixed-wing air activity in the Iraqi airspace, the American government wishes to avoid any misunderstanding or unintended confrontation with the Iraqi forces. For this end, no Iraqi aircraft should fly north of parallel 36 as from 9 o'clock of 7 April 1991 until further notice. This no-fly includes both civilian and military planes. Any aircraft that flies in the said airspace after that fixed time will do so on its own responsibility."

On the same date, the British Government announced that it would undertake a similar relief operation on 8 April 1991.

On 7 April 1991, the Minister for Foreign Affairs of the Republic of Iraq sent to the Secretary-General of the United Nations a letter containing Iraq's strong protest against the American-British action which violated Iraq's sovereignty and constituted a flagrant breach of the rules of international law as well as a direct intervention in the internal affairs of Iraq. If the provision of assistance had been truly humanitarian in aim, it should have been undertaken in consultation with the Iraqi authorities, and the assistance should have been provided by way of Jordan or Turkey and not by violating Iraq's

sovereignty. The Minister requested that his letter be circulated as a document of the Security Council.

On 10 April 1991, David Mack, the American Assistant Secretary of State, summoned the Chargé d'affaires of the Iraqi Interests Section in Washington, D.C. and handed him a letter addressed to the Iraqi Government concerning an American military operation to be undertaken in support of the Kurdish refugees which, inter alia, stressed the following points:

(a) The massive refugee flows threaten international peace and stability in the region;

(b) With Secretary of State Baker's visit to the Turkish-Iraqi borders on 8 April 1991, it has become clear that extraordinary efforts will be needed to stabilize the situation and remove this threat;

(c) Safe conduct of these operations necessitates continued combat air patrols in Iraqi airspace so long as United States forces are operating. These patrols will continue even with a Security Council declaration of a formal ceasefire;

(d) To avoid any possible misunderstanding or conflict with the Iraqi forces, the United States does not permit any fixed-wing Iraqi air activity and no Iraqi aircraft of any kind, including helicopters, should fly north of parallel 36 until further notice.

The Iraqi Government's response to the American letter was immediate and clear. In a letter sent to the Secretary-General of the United Nations on the same date, i.e. 10 April 1991, the Minister of Foreign Affairs stressed that Iraq was an independent, sovereign State and that it rejected intervention in its internal affairs. The flights by American aircraft constituted a violation of Iraq's sovereignty. If those flights were intended to monitor the relief operations as claimed by the United States, then it was possible to consult and cooperate with Iraq to that end. Iraq did not reject relief operations for those citizens, but demanded that the relief efforts be coordinated and organized with the Iraqi competent authorities. The Iraqi Government viewed with suspicion and distrust the insistence on the continued violation of Iraqi airspace on the pretext of monitoring the relief operations despite the fact that a definitive ceasefire was in force. There was no justification for those continued violations which created a state of tension and constituted a dangerous precedent in international relations.

Prodded by the United States of America, Britain sought to obtain support in the Security Council for the idea of creating inside Iraqi territory an enclave to be used as a safe haven for the Kurds pending their return to their abodes under the supervision of the United Nations. The idea was proposed by the British Ambassador to the Security Council at a meeting of informal consultations held on 8 April 1991 with a view to preparing the way for its approval.

Iraq responded to this move by a letter dated 10 April 1991 addressed to the President of the Security Council with the request that it be circulated to

the members of the Council. The letter stated that Iraq was prepared to ensure the safe return of all Kurdish citizens to their abodes and provide all that is required for their return. Iraq would welcome coverage of that operation by the international media and allow the International Committee of the Red Cross to participate therein. The letter confirmed the decision to grant amnesty to the Kurds, and welcomed the Committee which was to be dispatched by the Secretary-General to monitor the situation in the north.

On the night of 16 April 1991, the British Defence Council held a meeting under the chairmanship of Prime Minister John Major to discuss the question of dispatching military forces to northern Iraq, following which it was announced on 17 April 1991 that the American President George Bush had approved sending air and ground forces from the coalition States to northern Iraq. On the same date, it was announced in London that the British Defence Office had decided to send 2,000 British troops to one of its bases in Germany, where a decision would be taken as to the number that would join the military force stationed in northern Iraq.

Following that date, the coalition Powers started to send their military forces and equipment to Iraq at will by way of Al-Khabur border entry point. When Turkey began to be apprehensive about that operation out of concern that the aim might be to create a Kurdish state in northern Iraq, it asked the United States to inform Turkey of the number of the forces to be dispatched as well as obtain the approval of the Turkish general staff thereto in advance. As a consequence, the coalition built an airfield in the Iraqi town of Sarsang, and coalition military forces and their equipment began to be transported by air directly to that airfield as soon as it was ready for service.

The number of the forces which participated in that operation from the United States of America alone was as follows: air force, 4,359; ground forces, 4,509; naval forces, 594; marines, 1,793, in addition to 2,200 soldiers stationed in the Turkish Incerlik base and 6,349 soldiers attached to the American East Mediterranean Fleet.

Of the total number of the troops stationed inside Iraq, 5,602 were stationed in Zakho; 839 in Sarsang; 653 in Amadiyah; 646 in Kani Mas and 409 in Batula.

On 10 May 1991, the Permanent Representative of Iraq to the United Nations in New York met with British Ambassador David Hannay at United Nations Headquarters at the latter's request. The British Ambassador conveyed his Government's position concerning the Secretary-General's statement announcing Iraq's rejection of the civil police issue. He stressed that the presence of the United Nations would give the Kurdish refugees assurance of their security and safety with no interference in Iraq's territorial unity, sovereignty or independence. "We are not reluctant", he stated, "to secure the adoption of a resolution under Chapter VII, and we know that we can; but we prefer to act in accordance with resolution 688 (1991) which is not based on Chapter VII. We are not asking for any enthusiasm for accepting the idea on the part of your Government but for an endorsement of the matter to let the refugees feel that they have the kind of protection or guarantee that will help them to return to their homes."

On 27 June 1991, the American Representative to the United Nations handed our Permanent Representative a copy of a paper containing talking points which he said expressed the position of the United States and the coalition States and which included the following:

(a) The coalition Governments have a strong interest in peace and order in Iraq, and they are prepared to reply militarily to Iraqi acts which disturb peace, as the case may justify;

(b) Below are guidelines which will remain in force even after the withdrawal of the coalition forces from Iraq:

* The Government of Iraq should cooperate with relief activities throughout;

* No Iraqi fixed-wing aircraft or helicopters should fly north of parallel 36;

* The Iraqi army and police forces should remain outside the security zone;

* The coalition will undertake reconnaissance flights over the security zone whenever that is required;

* The military representatives of the coalition and Iraq will continue their weekly meetings in Duhok even after the withdrawal of the coalition forces;

* The military presence of the coalition will continue in Turkey and on aircraft carriers in the sea.

A copy of the text of those talking points was handed to the Chargé d'affaires of the Iraqi Interests Section in Washington, D.C. Another copy was handed to the Iraqi Government through the military channels in northern Iraq.

It is worth recalling in this connection that, during the weeks following the Anglo-American intervention in northern Iraq, the Iraqi Government succeeded in coordination with the Executive Delegate of the Secretary-General of the United Nations to repatriate the Iraqi Kurdish citizens who were forced to leave their homeland and take refuge in the mountains abroad. Although the situation settled down subsequently in the three Iraqi northern Governorates, which eliminated all the pretexts of the United States and the United Kingdom to continue with their intervention, they nonetheless continued with the imposition of the no-fly zone.

The no-fly zone in southern Iraq

The United States, assisted by the British and French Governments, continued its attempts to expand the scope of intervention in the internal affairs of Iraq and to seek to undermine its stability and threaten its national unity and territorial integrity.

To prepare the ground for those acts which ran counter to the Charter of the United Nations and the rules of international law, a meeting of the Security Council was held on 11 August 1992 to hear the rapporteur on human rights in Iraq, Mr. van der Stoel, in contravention of the modalities and rules of procedure followed in the work of the Organization, especially in view of the fact that the work of the Special Rapporteur appertains to the Commission on Human Rights of the Economic and Social Council, and it is not part of his responsibility to report to the Security Council.

Mr. van der Stoel's report contained a heap of unsubstantiated and untrue charges and accusations concerning violations of human rights in southern Iraq in addition to his false allegations about damage to the environment and the inhabitants of the marshes caused by Leader Saddam River Project.

Immediately following the hearing of this fabricated report, the Governments of the United States of America, the United Kingdom and France announced on 27 August 1991 the imposition of a no-fly zone south of the 32nd parallel on the pretext of protecting the Shi'ite Iraqi citizens in southern Iraq.

The Security Council adopted no resolution to that effect nor did it give the American Government or any other Government any authorization to take any military action of that kind.

Iraq rejected that no-fly zone decision and, on 27 August 1992, it declared in clear terms through an authorized official spokesman of the Revolutionary Command Council that it reserved its rights as to the course of action it would take with regard to that aggressive decision and the methods it would use to put its rejection in force.

On 6 January 1993, the United States, the United Kingdom and France each handed our Permanent Representative in New York a written position in which, after making reference to the imposition of a no-fly zone south of parallel 32, they stated that Iraqi military aircraft had been recurrently observed in the said zone in violation of the no-fly zone and that Iraq had moved SAM missile batteries to new sites south of parallel 32, thus posing a threat to the aircraft of those States. They demanded that the missile batteries be withdrawn and returned to their original sites within 48 hours of the date of the above position; that there should be no flights of any civilian or military fixed-wing aircraft or helicopters south of the 32nd parallel; and that Iraq should undertake no illumination or tracing by radar of any aircraft and should flash no signals indicating a hostile intention. The said States would react in an appropriate and decisive manner towards any failure on Iraq's part to comply with those demands, and that constituted a final warning.

Extension of the no-fly zones

In a letter addressed to President Saddam Hussein on 22 August 1996, Mr. Masoud al-Barzani, Chairman of the Kurdistan Democratic Party, stated that the city of Erbil was being subjected to a joint aggression by the group of Jalal al-Talbani and the Islamic Republic of Iran, resulting in the martyrdom and wounding of many defenceless citizens and the destruction of their property.

"The conspiracy is bigger than our capability", Mr. al-Barzani pointed out, "and we therefore request your Excellency to order the Iraqi armed forces to intervene to support us in repelling the foreign danger and putting an end to Jalal al-Talbani's conspiracy and his treason".

In the light of this letter and the explicit character of the Iranian military intervention, the Iraqi Government decided to provide support and military aid to Mr. Masoud al-Barzani. It also decided that such military intervention be limited and kept within the framework of the provision of aid and support.

That action on the part of Iraq fell within the scope of its sovereignty over its own territory and the framework of its duty to defend its own people and ward off any foreign aggression to which they might be subjected. This is a right that is assured by all international pacts and laws, and there is nothing to prevent a State from protecting its own citizens.

Taking advantage of those developments of the situation in northern Iraq, the United States used them as a pretext to launch missile attacks against Iraq in the south, with the result that many civilian installations were destroyed and many civilians were martyred and wounded.

On 3 September 1996, President Clinton announced that the decision to strike Iraq was taken in order to "punish Saddam Hussein for the act he committed and to limit his ability to threaten his neighbours and the interests of America". In the same statement, he pointed out that the American Administration had decided to extend the no-fly zone in southern Iraq in order to "deprive Saddam of control over Iraqi airspace from the borders of Kuwait to the southern suburbs of Baghdad; limit Iraq's ability to carry out offensive operations in the area, and safeguard the safety of our aircraft enforcing the no-fly zone".

On the same date, i.e. 3 September 1996, the American State Department sent a letter to Iraq through our Permanent Mission in New York, in which it emphasized that the no-fly zone in the south imposed in 1992 had been extended from the 32nd parallel to the 33rd parallel with effect from noon of 4 September (Baghdad local time). The letter pointed out that the current rules governing any Iraqi air activities in the area below parallel 32 would be applied to the extension area. The necessary steps were taken to ensure the safety of air crews implementing the operations above the extension area, and any other Iraqi acts threatening peace and security would result in dire consequences.

Iraq's reply to that American action was quite clear: the President of the Republic of Iraq himself declared that Iraq would not recognize the parallels in question and that orders had been issued to its armed forces to engage any coalition aircraft flying in Iraqi airspace.

On 7 September 1996, the United States State Department sent a fax message to the Permanent Mission of the Republic of Iraq in New York in reply to Iraq's declaration. It stated the following:

"Your government has announced that it will not respect the no-fly zones imposed by the alliance and that it has issued orders to its forces to engage any aircraft belonging to the alliance flying in Iraqi airspace. The governments of the United States of America and the United Kingdom, therefore, demand that:

* Iraq not reinforce or introduce new surface-to-air missile systems, including mobile systems, south of the 33 degree latitude.

* Iraq not redeploy surface-to-air missile systems that are currently south of the 33 degree latitude to new positions south of the 33 degree latitude.

* Iraq not repair or rebuild surface-to-air missile systems south of the 33 degree latitude which have been damaged or destroyed by coalition forces since 3 September 1996.

* We remind Iraq that any surface-to-air missile systems that illuminate and/or trace coalition aircraft with fire control radar will be considered hostile. In the event that you fail to comply with the stated demands you will be liable to face military action against the systems concerned."

Iraq announced its rejection of those illegitimate American demands.

It is significant to note that the Anglo-American pretext for imposing the southern no-fly zone in 1992 was allegedly to provide protection to the Shi'ite population of southern Iraq. With the extension of the said zone, however, that pretext has changed to be to limit the ability of Iraq to threaten its neighbours.

Non-authorization

It is clear that there has been no authorization to impose the no-fly zones from the Security Council, which is the only organ empowered under the Charter to deal with the maintenance of international peace and security. The Council has not authorized the taking of unilateral forcible measures against Iraq in the form of no-fly zones. As we have seen, no acceptable legal justification was presented by the Powers maintaining the zones, and consequently the zones remain to be forcible actions in violation of the prohibition of the use of force under the Charter against Iraq, its territorial integrity and national unity. Moreover, the Powers maintaining the zones failed to indicate what authority has given them the power to undertake their so-called supervision of the application of resolution 688 (1991) in southern Iraq and to exercise the role of human rights monitor in Iraq.

The facts make it clear that the imposition of the no-fly zones is a unilateral decision that has nothing to do with the United Nations and its resolutions. This was confirmed by the official spokesman of the United Nations, Joe Sills who, on 7 January 1993, stated that the imposition of the no-fly zone in southern Iraq was not based on any Security Council resolution.

It should be noted that the French Government suspended in 1996 its participation in the illegal actions in the northern no-fly zone. It has also confirmed this suspension in general as late as 23 December 1998.

The position of the United States and the United Kingdom in question have not been supported by two permanent members of the Security Council, namely, China and the Russian Federation, as well as a number of other members of the Council. This explains why the United States and the United Kingdom have not been able to get the authorization from the Council for their illegal act.

On the basis of the above, the imposition and the enforcement of the no-fly zones in question is an internationally wrongful act in flagrant violation of the Charter and well-established rules of international law. They constitute use of armed force against Iraq's sovereignty, territorial integrity and political independence contrary to the Charter. They violate the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations adopted by the General Assembly in resolution 2625 (XXV) on 24 October 1970, which was considered by the Judgment of the International Court of Justice in the Nicaragua Case in 1986 as reflecting customary international law. They also amount to a continuous act of aggression under the definition of aggression adopted by the General Assembly in resolution 3314 (XXIX) on 14 December 1974.

As such, the United States and the United Kingdom bear the full international responsibility for their illegal actions. Moreover, the Governments in the region which render facilities and support to the United States and the United Kingdom to enable them to impose and enforce the no-fly zones share with them the same violation and consequently the same international responsibility.

At the same time, Iraq is fully entitled under the Charter and international law to exercise its legitimate right to self-defence against such a continuous act of aggression.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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LETTER DATED 15 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to enclose herewith, for your information, a report on the progress which my Government has made despite the difficulties resulting from the war being waged in the country (see annex).

In his statement of 30 June 1997 regarding the worsening situation in the Democratic Republic of the Congo on the eve of 17 May 1997, the President of the Republic emphasized a dual goal: the restoration and the democratization of the political system. To meet that goal, reforms were required at all levels, particularly in the political, economic and legal spheres.

In the political arena, major efforts have been made to establish structures to prepare for the holding of free, democratic elections at all political levels of Congolese society.

With regard to the economy, which is the basis of any lasting social and political reform for the benefit of the population as a whole, measures have been taken to control inflation and halt the currency depreciation that had reached a scarcely conceivable level.

In the legal and human rights field, a Ministry of Human Rights has been established in order to further promote respect for human rights, and efforts have been made to improve the legal system.

This report has been prepared and transmitted to you in order to give the international community an idea of what has been planned and achieved.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) André MWAMBA KAPANGA
Ambassador and Permanent Representative

Annex

Reforms and political programme in the Democratic Republic of the Congo, New York, 14 December 1998

I. PREAMBLE

In his statement of 30 June 1997 on the occasion of the thirty-seventh anniversary of the independence of the Democratic Republic of the Congo, His Excellency Mr. Laurent Désiré Kabila, President of the Republic, described the stages of the process of restoration and democratization of the country's political system. The essential stages of this process are:

(a) July 1997: Appointment of the Chairman of the Constitutional Commission;

(b) August 1997: Establishment of the Constitutional Commission;

(c) September 1997: Solemn inauguration of the Constitutional Commission;

(d) March 1998: Submission to the head of State of the draft Constitution, accompanied by detailed reports of the Commission's work;

(e) April 1998: Convocation of candidates for the election of deputies to the Constituent Assembly;

(f) June 1998: Election of deputies to the Constituent Assembly;

(g) 30 June 1998: Inauguration of the Constituent Assembly;

(h) October 1998: Submission to the head of State of the new Constitution of the Democratic Republic of the Congo;

(i) December 1998: Possible referendum on the Constitution;

(j) April 1999: Legislative and presidential elections.

The restoration and democratization of the political system in the Democratic Republic of the Congo is necessary in order to complete the political adjustment which took place in 1997 and which has raised high hopes of political, economic and social change both within and outside the country's borders.

As at 17 May 1997, the Democratic Republic of the Congo faced enormous challenges as a consequence of the past dictatorship, and its future was threatened by certain realities stemming from structural constraints on the country's economic and social development, including:

(a) The low gross domestic product (GDP), which was essentially equivalent to that of 1958, although the population had tripled in size since that time,

the annual demographic growth rate having risen from 2.5 per cent to 3.5 per cent;

(b) The extremely low level of fiscal revenue, which currently accounts for less than 4 per cent of GDP, as opposed to 17 per cent prior to independence;

(c) The virtual absence of government investment, which was on the order of 14 per cent in 1958;

(d) The general collapse of public enterprises in key sectors, including mining, transport and public utilities, which are dominated by public enterprises of which the great majority are bankrupt or in serious difficulty;

(e) The external debt burden, which continues to hinder development programmes and policies and to discourage growth opportunities;

(f) The predominance of subsistence-level activities, of which agriculture, which accounts for 60 per cent of GDP, remains an essential component;

(g) Increasing urbanization, as a result of which over 13 million people now live in urban areas, as compared with 3.4 million at the time of independence;

(h) The destruction of social and physical infrastructures;

(i) Failing bureaucratic structures.

Owing to these constraints, the Congolese people are deprived of their fundamental human rights and, in particular, suffer from:

(a) Lack of access to safe drinking water and food;

(b) Lack of an adequate health care system;

(c) Lack of security of person and property;

(d) Lack of a reliable education system.

These limitations explain the great and urgent need to undertake reforms in a number of areas, including the political, through the establishment of new institutions which will enable the country to hold the first free, transparent and democratic elections in its history.

All of these reforms, which require greater involvement of the international community, are intended to bring about the stability of the Congo as an essential condition of the stability of Central Africa as a whole.

II. ECONOMIC REFORMS

Reforms in this area have supported the Triennial Reconstruction Plan, which focuses on revitalizing the national economy, rehabilitating basic infrastructures, controlling inflation, fighting corruption and unemployment and protecting property and personal safety.

One of the components of the economic reform programme has been monetary reform, as symbolized on 30 June 1998 by the launching of the Congolese franc, the new national currency.

The Government has also implemented a series of policies that have resulted in:

(a) The stabilization of the exchange rate, which had been fluctuating around 100 per cent;

(b) Reduction of inflation from around four figures in 1997 to a single digit, or about 7 per cent, on 30 June 1998;

(c) A significant reduction in taxes on petroleum products, which lowered the price at the pump by over 50 per cent. This had a beneficial effect on transport costs and basic food prices, which fell by an average of over 30 per cent;

(d) A considerable reduction in corruption;

(e) An improvement in the protection of property and personal safety;

(f) Rehabilitation of hospital and education infrastructures.

In order to make further improvements and enable the Government to complete the necessary economic and social reforms and guide the country towards sustainable development, the Democratic Republic of the Congo must have:

(a) A significant reduction and rescheduling of its debt;

(b) Investments in its energy and transport infrastructures and in its health and education services;

(c) Investment in the training of government and private-sector managers;

(d) Direct investment in production activities, particularly in the private sector.

The resumption of dialogue with the international financial institutions and with private and official bilateral partners could enable these objectives to be met through the sound macroeconomic policies to which the Government of the Democratic Republic of the Congo is committed. To that end, and in the light of recent events in the Democratic Republic of the Congo, another meeting of the "Friends of the Congo" will be needed, in order to make a suitable

appraisal of the efforts to be undertaken to revitalize and rebuild the economy of the Democratic Republic of the Congo.

The Government of the Democratic Republic of the Congo desires to:

(a) Reaffirm its unwavering determination to pursue sound macroeconomic policies in order to ensure the country's sustainable development;

(b) Identify obstacles in its way and make realistic development plans;

(c) To that end, strengthen its relations and re-establish confidence with the Bretton Woods institutions, the bilateral and multilateral financial institutions, the United Nations, the European Union and other donor countries.

The Government of the Democratic Republic of the Congo is convinced that any socio-economic reform without consequent political change will be inadequate. Such reform must also ensure respect for fundamental civil and political rights, together with economic rights.

III. LEGAL REFORMS

Legal reform is another area in which the Democratic Republic of the Congo has requested the international community's support.

The Government of the Democratic Republic of the Congo believes that efforts must be redoubled to strengthen the country's civil and military legal systems, making them impartial, credible and effective. The Government is now implementing policies to promote inclusion, coexistence, cooperation and security.

The Government of the Democratic Republic considers that it will be able to make remarkable progress in the area of human rights if it is provided with the necessary means to improve its legal system. The Government therefore reiterates its request for substantial financial assistance in its efforts to carry out a thoroughgoing reform of its legal system.

IV. BORDER SECURITY REQUIREMENTS

The Democratic Republic of the Congo is located in a conflict zone which has for decades undergone crises of all sorts, and these must be reckoned with. The most recent, the Rwandan genocide of 1994, left a burdensome heritage of fear and hatred which continues to haunt the entire region.

The Great Lakes region has been destabilized because armed bands do not hesitate to use the territories of the host countries to attack their enemies in their countries of origin.

The Great Lakes region is even more unstable because States arrogate to themselves the right to violate the national sovereignty and territorial

integrity of other countries on the false pretext of seeking to protect their own national security.

The Government of the Democratic Republic of the Congo requests the international community to take note of the lessons learned from the region's tragic past.

The Government of the Democratic Republic of the Congo undertakes to apply humanitarian principles, including the right of civilian populations to assistance in times of conflict and the protection of refugees and non-combatants. It also undertakes to work together with the regional parties, both governmental and non-governmental, to give humanitarian workers access to all the populations in need.

The Government of the Democratic Republic of the Congo affirms that the restoration of regional peace and stability requires the cessation of impunity and the re-establishment of the rule of law.

The Government of the Democratic Republic of the Congo affirms also that poverty is one of the threats to stability in the Great Lakes region and to the viability of democracy in that region. To that end, it reiterates its oft-stated invitation to the countries of the region to work together to speed up the region's economic recovery and its complete integration into the global economy, and to increase trade and consider mutually advantageous investment opportunities.

The Government of the Democratic Republic of the Congo believes that the security interests of the countries of the region will be served if they cooperate in the fight against the transnational problems of terrorism, the spread of disease, arms proliferation, drug trafficking and environmental degradation. It also recognizes that these countries have an essential mutual interest in a serious, lasting commitment.

The Government of the Democratic Republic of the Congo welcomes the determination and the efforts of the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution in Africa.

V. PROTECTION OF HUMAN RIGHTS

The Government of the Democratic Republic of the Congo stresses its attachment to respect for human rights as set out in the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.

The Government encourages public participation in political life and respect for human rights. It believes that social, economic and political inclusion is the foundation of lasting peace and stability.

The recent establishment of a Ministry of Human Rights demonstrates the firm commitment of my Government to improving the mechanisms for the protection of human rights in the Congo.

The Ministry of Human Rights can claim credit for protecting individuals during the attack on Kinshasa in August 1998. The Ministry also afforded United Nations and humanitarian personnel based in Kinshasa, particularly the International Committee of the Red Cross (ICRC), access without risk or restrictions to prisoners of war and persons detained for their safety, in accordance with international humanitarian law.

VI. POLITICAL REFORMS

The Government of the Democratic Republic of the Congo, recalling that the country had no experience of democracy for over 30 years, affirms its strong determination to introduce democracy, based on the principle of respect for fundamental human rights and law, into its system of government.

One of the Government's first official acts was the inauguration, on 5 November 1997, of a Constitutional Commission, which in April 1998 presented a draft constitution.

Had it not been for the armed aggression against the Democratic Republic of the Congo, the Government would have proceeded on 15 August 1998 to the inauguration of the Constituent Assembly, responsible for examining the draft constitution prepared by the Constitutional Commission for submission to a referendum to be held in the following year.

In order to save the democratization process from the pernicious effects of war, and after consultations with certain segments of the population, the Presidential Commission on Institutional Reforms, responsible for examining the preliminary draft constitution prepared by the Constitutional Commission and making proposals for any necessary changes to the President of the Republic, was established on 21 September 1998.

The Commission on Institutional Reforms transmitted its conclusions to the President of the Republic on 23 October 1998. The draft constitution is now undergoing careful examination by the various elements of Congolese civil society.

It is important to emphasize at this stage that, despite the war of aggression that was imposed on it, the Democratic Republic of the Congo has adhered to the timetable laid down by the President of the Republic in his statement of 30 June 1998.

The Democratic Republic of the Congo has, through its President, given assurances that political activity will resume by 30 January 1999. The state of emergency previously in force had as its sole aim to ensure the establishment without lethal procrastination of a State based on the rule of law and the attainment of a culture of democracy and human rights.

Together with the resumption of political activity, the Government plans to promulgate an Electoral Act that will give particular emphasis to the establishment of national, rather than ethnic or regional, political parties.

The Government also promises that elections will be held in 1999. It fervently hopes that these elections will be fair, transparent and free. A population census will be needed to this end. In view of the limited resources at its disposal, the Government of the Democratic Republic of the Congo appeals to the international community and, in particular, the United Nations, to provide it with assistance that will enable it to carry out this noble and difficult task.

To be sure, the strides towards democracy that the Democratic Republic of the Congo is able to make will depend mainly on:

(a) The restoration of peace and security throughout the territory of the Democratic Republic of the Congo;

(b) Acceleration of the economic reform process;

(c) The rapid revitalization of the economy;

(d) International assistance to promote the recovery of the Democratic Republic of the Congo, the rebuilding of its shattered economy and the restoration and repair of essential services and the national infrastructure.

VII. OUTLOOK

The Government believes that the destiny and security of the Congo are mainly in the hands of the Congolese.

The Government is aware that the stability of the Congo depends also on its capacity to continue the democratization process.

The Government reaffirms its determination to respect the fundamental principles of inclusion, the rule of law, respect for human rights, equality among all men and women and the right of all citizens to elect their leaders fairly and freely and to participate fully in the adoption of decisions affecting their lives.

The Government is of the view that the national organizations of civil society can play an important role in facilitating the transition from a situation characterized by authoritarian government and conflict to one of democracy, and that they can contribute to the social, political and economic development of the Congo.

The Government recognizes the crucial role played by State institutions, both local and national, in laying down the foundations of democracy, and places particular emphasis on strengthening the capacities of these institutions.